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2884

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OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/519,349
Filing Date	July 8, 2005
First Named Inventor	Rainer Hillenbrand, et al
Group Art Unit	2884
Examiner Name	Igyarto, Carolyn
Attorney Docket Number	47264-0005-00-US (215066) [Formerly 46955.20]

Total Number of Pages in This Submission

### ENCLOSURES (check all that apply)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers<br>(for an Application)<br><br><input type="checkbox"/> Drawing(s) - Figs.<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence<br>Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s)<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication<br>to TC<br><br><input type="checkbox"/> Appeal Communication to<br>Board of Appeals and<br>Interferences<br><br><input type="checkbox"/> Appeal Communication to<br>TC<br>(Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s)<br>(please identify below):<br>Copy of Notice of Non-Compliant<br>Amendment mailed 8/16/2007; copy<br>of transmittal sheet, check and<br>postcard previously submitted on<br>12/27/2004 |
|---|---|---|

Remarks:

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Drinker Biddle & Reath LLP
Signature	
Printed Name	Matthew S. Bodenstein, Registration No. 58,885
Date	August 28, 2007

### CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this paper, along with any documents referred to as being enclosed therewith, is being deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:.

Typed or printed name	Lisa R. Haines	
Signature		Date: August 28, 2007



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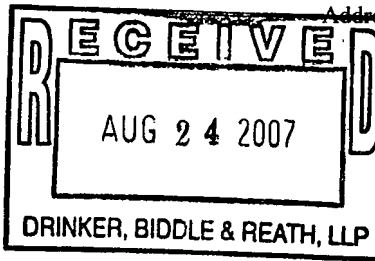
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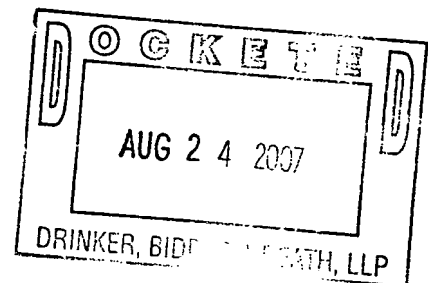
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ATTN: INTELLECTUAL PROPERTY GROUP  
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Paper No.

Application No.:	10/519,349	Date Mailed:	08/16/2007
First Named Inventor:	Hillenbrand, Rainer,	Examiner:	IGYARTO, CAROLYN
Attorney Docket No.:	46955.20	Art Unit:	2884
Confirmation No.:	2984	Filing Date:	07/08/2005

Please find attached an Office communication concerning this application or proceeding.



Commissioner for Patents

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.  
10/519,349

Applicant(s)  
HILLENBRAND ET AL.

Art Unit  
2800

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 06 August, 2007, is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

## THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claim 16 has an incorrect Status Identifier.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable Tammy Acree

Telephone No: 571-272-7017

Serial No.: NEW APPLICATION Filing Date: 27 DEC 04 BIPC File No.: 46955.20

Title: METHODS & DEVICE FOR ACQUIRING OPTICAL NEAR-FIELD INTERACTION...

Applicant: H. ENBRAND, ET AL. Date: 27 DECEMBER 2004

The PTO has received:

☒ Patent Application of 32

**DTOS Rec'd PCT/PTO 27 DEC 2004**

☒ Pages (including claims & abstract)

☐ Declaration or ☐ Designation Sheet

☒ Drawings 3 Sheet(s)/Figs. 1 to 8

☐ Priority Document

☐ Small Entity Declaration

☐ Assignment & Conveyance Cover Sheet

☐ Information Disclosure Statement

☐ PTO 1449

☒ Amendment PRELIMINARY

☐ Affidavit or Declaration

☐ Maintenance Fee

☒ COPY OF PUBLISHED PCT APPLICATION

☒ Check No. 10874 for \$ 900.00

Atty/Secy JANE D. ROBERTS

☐ TM Application

☐ ITU Basis

☐ Statement of Use

☐ Extension of Time

☐ Notice of Appeal

☐ Brief

☐ Petition

☐ Status Request

☐ Issue Fee

☐ Application for Renewal

☐ Specimen

☒ Certificate of Mailing

☒ Express Mail No. EL 993259537 US

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**10/519349**

NO. 489

# BUCHANAN INGERSOLL PROFESSIONAL CORPORATION

DATE: 12-27-04 PAYEE: Commissioner for Patents VENDOR #: COMMPATR CHECK #: 10874

REF. #	INVOICE #	INV. DATE	DESCRIPTION	AMT. PAID
542473	46955-000020	12-27-04	Filing Fees - Commissioner for Patents & Tra - USPTO fee for filing new patent application EO/US	900.00
TOTAL				\$900.00

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12/27/04

BUCHANAN INGERSOLL PROFESSIONAL CORPORATION

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(215) 665-8700

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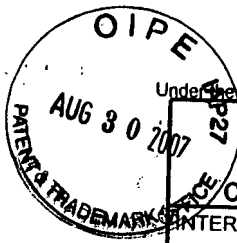
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*John P. Sandherr*

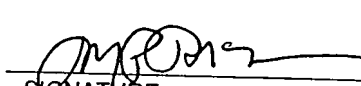
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 46955.20
<b>DESIGNATED/ELECTED OFFICE (DO/EO/US)</b>		<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b> New Application
<b>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>	<b>INTERNATIONAL APPLICATION NO.</b> PCT/EP03/06587	<b>INTERNATIONAL FILING DATE</b> 23 June 2003
<b>TITLE OF INVENTION</b> Methods and Devices for Acquiring Optical Near-Field Interaction Signals		<b>PRIORITY DATE</b> 24 June 2002
<b>APPLICANT(S) FOR DO/EO/US</b> HILLENBRAND, Rainer; KEILMANN, Fritz; TAUBNER, Thomas		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"><li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li><li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li><li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))<ol style="list-style-type: none"><li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C.)<ol style="list-style-type: none"><li>a. <input checked="" type="checkbox"/> is attached hereto.</li><li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li></ol></li><li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li><li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li><li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT</li></ol>		
<b>Items 11 to 20 below concern document(s) or information</b>		
<ol style="list-style-type: none"><li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li><li>14. <input type="checkbox"/> An application Data Sheet under 37 CFR 1.76.</li><li>15. <input type="checkbox"/> A substitute specification.</li><li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li><li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</li><li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li><li>19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li><li>20. <input checked="" type="checkbox"/> Other items or information: Copy of Published PCT Application Number WO 2004/001764 A2 Check Number 10874 for \$900.00</li></ol>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<b>U.S. APPLICATION NO. (if known, see 37 CFR 1.492(a)(1) - (5)) :</b> New Application		<b>INTERNATIONAL APPLICATION NO.</b> PCT/EP03/06587		<b>ATTORNEY'S DOCKET NUMBER</b> 46955.20	
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1) - (5)) :</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1110.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$950.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$790.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$750.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS PTO USE ONLY</b>	
				\$ 1,000.00	
				\$	
				\$	
				\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	36 - 20 =	16	x \$50.00	\$ 800.00	
Independent claims	3 - 3 =	0	x \$200.00	\$ 0.00	
Multiple Dependent Claims (if applicable)			+ \$300	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,800.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 900.00	
<b>SUBTOTAL =</b>				\$ 900.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 900.00	
				Amount to be refunded: \$	
				Amount to be charged: \$	
a. <input checked="" type="checkbox"/> A check in the amount of \$900.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account _____ in the amount _____ to cover the above fees. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 50-2194. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
<b>SEND ALL CORRESPONDENCE TO:</b> Customer Number 041068: Matthew P. McWilliams Buchanan Ingersoll PC 1835 Market Street, 14th Floor Philadelphia, PA 19103-2985 Telephone: (215) 665-3865					
				 SIGNATURE	
				Matthew P. McWilliams NAME	
				46,922 REGISTRATION NUMBER	